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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

July 8, 1991

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LL*
Associate General Counsel

SUBJECT: MUR 2314
Request for Extension of Time

On May 7, 1991 the Commission granted the NRSC an extension of time until June 23, 1991 to respond to the General Counsel's Brief. By letter dated June 20, 1991, counsel for the NRSC and James L. Hagen, as treasurer, again requested an indefinite extension of time in which to respond to the General Counsel's Brief. (Attachment 1.) The NRSC filed a notice of appeal in FEC v. NRSC on June 4, 1991, and counsel for the NRSC again requests that the Commission stay any further proceedings in MUR 2314 until all appeals in FEC v. NRSC have been exhausted.

While MUR 2314 and FEC v. NRSC both include the "direction or control" issue, they do not involve the same Direct-To operations. The Direct-To operation at issue in FEC v. NRSC is not one of the five Direct-To operations at issue in MUR 2314. Thus, the issues in MUR 2314 can be resolved without addressing FEC v. NRSC. Further, exhausting the appeals in FEC v. NRSC may take years during which the NRSC may continue the practices at issue in this matter. And until a federal court has ruled that 11 C.F.R. § 110.6 is invalid, that regulation will continue to be enforceable by the Commission. Therefore, the Office of the General Counsel recommends that the Commission deny the requested indefinite extension, but grant the NRSC a thirty day extension of time. Accordingly, their response would be due thirty days after they receive the attached letter.

RECOMMENDATIONS

1. Deny the National Republican Senatorial Committee and James L. Hagen, as treasurer, the requested indefinite extension of time and approve an extension of thirty days.
2. Approve the attached letter.

Attachments

1. Request for Extension
2. Letter

Staff Assigned: Elizabeth Campbell

SECRET